

**§ 11.20**

18 CFR Ch. I (4–1–00 Edition)

pursuant to § 385.1902, or requesting rehearing. If payment is made under protest, that party will avoid any penalty for failure to pay under § 11.21.

(7) *Accounting for payments pending appeal or rehearing.* The Commission will retain any payment received for final charges from bills issued pursuant to this section in a special account. No disbursements to the U.S. Treasury will be made from the account until 31 days after the bill is issued. If an appeal under § 385.1902 or a request for rehearing is filed by any party, no disbursements to the U.S. Treasury will be made until final disposition of the appeal or request for rehearing.

(c) *Charges for costs of determinations of headwater benefits charges.* (1) Any owner of a downstream project that benefits from a Federal headwater project must pay to the United States the cost of making any investigation, study, or determination relating to the assessment of the relevant headwater benefits charge under this subpart.

(2) If any owner of a headwater or downstream project requests that the Commission determine headwater benefits charges for benefits provided by non-Federal headwater projects, the headwater project owners must pay a pro rata share of 50 percent of the cost of making the investigation and determination, in proportion to the benefits provided by their projects, and the downstream project owners must pay a pro rata share of the remaining 50 percent in proportion to the energy gains received by their projects.

(3) Any charge assessed under this paragraph is separate from and will be added to, any final or interim charge under this subpart.

**Subpart C—General Procedures**

**§ 11.20 Time for payment.**

Annual charges must be paid no later than 45 days after rendition of a bill by the Commission. If the licensee or exemptee believes that the bill is incorrect, no later than 45 days after its rendition the licensee or exemptee may file an appeal of the bill with the Chief Financial Officer. No later than 30 days after the date of issuance of the Chief Financial Officer's decision on the appeal, the licensee or exemptee may file a request for rehearing of that decision pursuant to § 385.713 of this chapter. In the event that a timely appeal to the Chief Financial Officer or a timely request to the Commission for rehearing is filed, the payment of the bill may be made under protest, and subject to refund pending the outcome of the appeal or rehearing.

[60 FR 15048, Mar. 22, 1995]

**§ 11.21 Penalties.**

If any person fails to pay annual charges within the periods specified in § 11.20, a penalty of 5 percent of the total delinquent amount will be assessed and added to the total charges for the first month or part of month in which payment is delinquent. An additional penalty of 3 percent for each full month thereafter will be assessed until the charges and penalties are satisfied in accordance with law. The Commission may, by order, waive any penalty imposed by this subsection, for good cause shown.

[51 FR 24318, July 3, 1986]

**APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000**

State	County	Rate per acre
ALABAMA .....	ALL COUNTIES .....	\$24.85
ARKANSAS .....	ALL COUNTIES .....	18.65
ARIZONA .....	APACHE .....	6.20
	COCHISE .....	
	GILA .....	
	GRAHAM .....	
	LA PAZ .....	
	MOHAVE .....	
	NAVAJO .....	
	PIMA .....	
	YAVAPAI .....	
	YUMA .....	
	COCONINO NORTH OF COLORADO RIVER .....	
	COCONINO SOUTH OF COLORADO RIVER .....	24.85

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## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
CALIFORNIA .....	GREENLEE	12.43
	MARICOPA	
	PINAL	
	SANTA CRUZ	
	IMPERIAL .....	18.65
	INYO	
	LASSEN	
	MODOC	
	RIVERSIDE	31.07
	SAN BERNARDINO	
	SISKIYOU .....	
	ALAMEDA .....	
	ALPINE	37.30
	AMADOR	
	BUTTE	
	CALAVERAS	
	COLUSA	
	CONTRA COSTA	
	DEL NORTE	
	EL DORADO	
	FRESNO	
	GLENN	
	HUMBOLDT	
	KERN	
	KINGS	
	LAKE	
	MADERA	
	MARIPOSA	
	MENDOCINO	
	MERCED	
	MONO	
	NAPA	
	NEVADA	
	PLACER	
	PLUMAS	
	SACRAMENTO	
	SAN BENITO	
	SAN JOAQUIN	
	SANTA CLARA	
	SHASTA	
	SIERRA	
	SOLANO	
	SONOMA	
	STANISLAUS	
	SUTTER	
	TEHAMA	
	TRINITY	
	TULARE	
	TUOLUMNE	
	YOLO	
	YUBA	
	LOS ANGELES .....	6.20
	MARIN	
	MONTEREY	
	ORANGE	
COLORADO .....	SAN DIEGO	6.20
	SAN FRANCISCO	
	SAN LUIS OBISPO	
	SAN MATEO	
	SANTA BARBARA	
	SANTA CRUZ	
	VENTURA	
	ADAMS .....	
	ARAPAHOE	
	BENT	
	CHEYENNE	6.20
	CROWLEY	
	ELBERT	
	EL PASO	
	HUERFANO	
	KIOWA	

## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
	KIT CARSON LINCOLN LOGAN MOFFAT MONTEZUMA MORGAN PUEBLO SEDGWICK WASHINGTON	
	WELD YUMA	
	BACA .....	12.43
	DOLORES GARFIELD LAS ANIMAS MESA	
	MONTROSE .....	12.43
	OTERO PROWERS RIO BLANCO ROUTT SAN MIGUEL	
	ALAMOSA .....	24.85
	ARCHULETA BOULDER CHAFFEE CLEAR CREEK CONEJOS COSTILLA CUSTER DENVER DELTA DOUGLAS EAGLE FREMONT GILPIN GRAND GUNNISON HINSDALE JACKSON JEFFERSON LAKE LA PLATA LARIMER MINERAL OURAY PARK PITKIN RIO GRANDE SAGUACHE SAN JUAN SUMMIT	
CONNECTICUT .....	TELLER	
	ALL COUNTIES .....	6.20
FLORIDA .....	BAKER .....	37.30
	BAY BRADFORD CALHOUN CLAY COLUMBIA DIXIE DUVAL ESCAMBIA FRANKLIN GADSDEN GILCHRIST GULF HAMILTON HOLMES JACKSON	

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## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
GEORGIA .....	JEFFERSON	
	LAFAYETTE	
	LEON	
	LIBERTY	
	MADISON	
	NASSAU	
	OKALOOSA	
	SANTA ROSA	
	SUWANNEE	
	TAYLOR	
	UNION	
	WAKULLA	
	WALTON	
	WASHINGTON	
	ALL OTHER COUNTIES .....	62.14
IDAHO .....	ALL COUNTIES .....	37.30
IDAHO .....	CASSIA .....	6.20
	GOODING	
	JEROME	
	LINCOLN	
	MINIDOKA	
	ONEIDA	
	OWYHEE	
	POWER	
	TWIN FALLS	
	ADA .....	18.65
	ADAMS	
	BANNOCK	
	BEAR LAKE	
	BENEWAH	
	BINGHAM	
IDAHO .....	BLAINE	
	BOISE	
	BONNER	
	BONNEVILLE	
	BOUNDARY	
	BUTTE	
	CAMAS	
	CANYON	
	CARIBOU	
	CLARK	
	CLEARWATER	
	CUSTER	
	ELMORE	
	FRANKLIN	
	FREMONT	
IDAHO .....	GEM	
	IDAHO	
	JEFFERSON	
	KOOTENAI	
	LATAH	
	LEMHI	
	LEWIS	
	MADISON	
	NEZ PERCE	
	PAYETTE .....	18.65
	SHOSHONE	
	TETON	
	VALLEY	
	WASHINGTON	
ILLINOIS .....	ALL COUNTIES .....	18.65
INDIANA .....	ALL COUNTIES .....	31.07
KANSAS .....	MORTON	12.43
	ALL OTHER COUNTIES .....	6.20
	ALL COUNTIES .....	18.65
KENTUCKY .....	ALL COUNTIES .....	18.65
LOUISIANA .....	ALL COUNTIES .....	37.30
MAINE .....	ALL COUNTIES .....	18.65
MICHIGAN .....	ALGER .....	18.65
	BARAGA	
	CHIPPEWA	
	DICKINSON	

## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
	DELTA	
	GOGEBIC	
	HOUGHTON .....	18.65
	IRON	
	KEWEENAW	
	LUCE	
	MACKINAC	
	MARQUETTE	
	MENOMINEE	
	ONTONAGON	
	SCHOOLCRAFT	
	ALL OTHER COUNTIES .....	24.85
MINNESOTA .....	ALL COUNTIES .....	18.65
MISSISSIPPI .....	ALL COUNTIES .....	24.85
MISSOURI .....	ALL COUNTIES .....	18.65
MONTANA .....	BIG HORN .....	6.20
	BLAINE	
	CARTER	
	CASCADE	
	CHOUTEAU	
	CUSTER	
	DANIELS	
	McCONE	
	MEAGHER	
	DAWSON	
	FALLON	
	FERGUS	
	GARFIELD	
	GLACIER .....	6.20
	GOLDEN VALLEY	
	HILL	
	JUDITH BASIN	
	LIBERTY	
	MUSSELSHELL	
	PETROLEUM	
	PHILLIPS	
	PONDERA	
	POWDER RIVER	
	PRAIRIE	
	RICHLAND	
	ROOSEVELT	
	ROSEBUD	
	SHERIDAN	
	TETON	
	TOOLE	
	TREASURE	
	VALLEY	
	WHEATLAND	
	WIBAUX	
	YELLOWSTONE	
	BEAVERHEAD .....	18.65
	BROADWATER	
	CARBON	
	DEER LODGE	
	FLATHEAD	
	GALLATIN	
	GRANITE	
	JEFFERSON	
	LAKE	
	LEWIS & CLARK	
	LINCOLN	
	MADISON	
	MINERAL	
	MISSOULA	
	PARK	
	POWELL	
	RAVALLI	
	SANDERS	
	SILVER BOW	
	STILLWATER .....	18.65
	SWEET GRASS	

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## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
NEBRASKA .....	ALL COUNTIES .....	6.20
NEVADA .....	CHURCHILL .....	3.10
	CLARK	
	ELKO	
	ESMERALDA	
	EUREKA	
	HUMBOLDT	
	LANDER	
	LINCOLN	
	LYON	
	MINERAL	
	NYE	
	PERSHING	
	WASHOE	
	WHITE PINE	
	CARSON CITY .....	31.07
	DOUGLAS	
	STOREY	
NEW HAMPSHIRE .....	ALL COUNTIES .....	18.65
NEW MEXICO .....	CHAVES .....	6.20
	CURRY	
	DE BACA	
	DONA ANA	
	EDDY	
	GRANT	
	GUADALUPE	
	HARDING .....	6.20
	HIDALGO	
	LEA	
	LUNA	
	MCKINLEY	
	OTERO	
	QUAY	
	ROOSEVELT	
	SAN JUAN	
	SOCORRO	
	TORRANCE	
	RIO ARRIBA .....	12.43
	SANDOVAL	
	UNION	
	BERNALILLO .....	24.85
	CATRON	
	CIBOLA	
	COLFAX	
	LINCOLN	
	LOS ALAMOS	
	MORA	
	SAN MIGUEL	
	SANTA FE	
	SIERRA	
	TAOS	
	VALENCIA	
NEW YORK .....	ALL COUNTIES .....	24.85
NORTH CAROLINA .....	ALL COUNTIES .....	37.30
NORTH DAKOTA .....	ALL COUNTIES .....	6.20
OHIO .....	ALL COUNTIES .....	24.85
OKLAHOMA .....	ALL OTHER COUNTIES .....	6.20
	BEAVER .....	12.43
	CIMARRON	
	ROGER MILLS	
	TEXAS	
	LE FLORE .....	18.65
	MC CURTAIN	
OREGON .....	HARNEY .....	6.20
	LAKE	
	MALHEUR	
	BAKER .....	12.43
	CROOK	
	DESCHUTES	
	GILLIAM	
	GRANT	

## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
	JEFFERSON	
	KLAMATH	
	MORROW	
	SHERMAN	
	UMATILLA	
	UNION	
	WALLOWA	
	WASCO .....	12.43
	WHEELER	
	COOS .....	18.65
	CURRY	
	DOUGLAS	
	JACKSON	
	JOSEPHINE	
	BENTON .....	24.65
	CLACKAMAS	
	CLATSOP	
	COLUMBIA	
	HOOD RIVER	
	LANE	
	LINCOLN	
	LINN	
	MARION	
	MULTNOMAH	
	POLK	
	TILLAMOCK	
	WASHINGTON	
	YAMHILL	
PENNSYLVANIA .....	ALL COUNTIES .....	24.85
PUERTO RICO .....	ALL .....	37.30
SOUTH DAKOTA .....	BUTTE .....	18.65
	CUSTER	
	FALL RIVER	
	LAWRENCE	
	MEAD .....	18.65
	PENNINGTON	
	ALL OTHER COUNTIES .....	6.20
SOUTH CAROLINA .....	ALL COUNTIES .....	37.30
TENNESSEE .....	ALL COUNTIES .....	24.85
TEXAS .....	CULBERSON .....	6.20
	EL PASO	
	HUDSPETH	
	ALL OTHER COUNTIES .....	37.30
UTAH .....	BEAVER .....	6.20
	BOX ELDER	
	CARBON	
	DUCHESNE	
	EMERY	
	GARFIELD	
	GRAND	
	IRON	
	JAUB	
	KANE	
	MILLARD	
	SAN JUAN	
	TOOELE	
	UINTAH	
	WAYNE	
	WASHINGTON .....	12.43
	CACHE .....	18.65
	DAGGETT	
	DAVIS	
	MORGAN	
	PIUTE	
	RICH	
	SALT LAKE	
	SANPETE	
	SEVIER	
	SUMMIT	
	UTAH	
	WASATCH	

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## APPENDIX A TO PART 11—FEE SCHEDULE FOR FY 2000—Continued

State	County	Rate per acre
VERMONT .....	WEBER	
	ALL COUNTIES .....	24.85
VIRGINIA .....	ALL COUNTIES .....	24.85
WASHINGTON .....	ADAMS .....	12.43
	ASOTIN	
	BENTON	
	CHELAN	
	COLUMBIA	
	DOUGLAS	
	FRANKLIN	
	GARFIELD	
	GRANT	
	KITTITAS	
	Klickitat	
	LINCOLN	
	OKANAGAN	
	SPOKANE	
	WALLA WALLA .....	12.43
	WHITMAN	
	YAKIMA	
	FERRY .....	18.65
	PEND OREILLE	
	STEVENS	
	CLALLAM .....	24.85
	CLARK	
	COWLITZ	
	GRAYS HARBOR	
	ISLAND	
	JEFFERSON	
	KING	
	KITSAP	
	LEWIS	
	MASON	
	PACIFIC	
	PIERCE	
	SAN JUAN	
	SKAGIT	
	SKAMANIA	
	SNOHOMISH	
	THURSTON	
	WAHIAKUM	
	WHATCOM	
WEST VIRGINIA .....	ALL COUNTIES .....	24.85
WISCONSIN .....	ALL COUNTIES .....	18.65
WYOMING .....	ALBANY .....	6.20
	CAMPBELL	
	CARBON	
	CONVERSE	
	GOSHEN	
	HOT SPRINGS	
	JOHNSON	
	LARAMIE	
	LINCOLN	
	NATRONA	
	NIOBRARA	
	PLATTE	
	SHERIDAN	
	SWEETWATER	
	FREMONT	
	SUBLETTE	
	UINTA	
	WASHAKIE	
	BIG HORN .....	18.65
	CROOK	
	PARK	
	TETON	
	WESTON	
ALL OTHER ZONES .....	.....	6.41



[64 FR 62572, Nov. 17, 1999]

## PART 12—SAFETY OF WATER POWER PROJECTS AND PROJECT WORKS

### Subpart A—General Provisions

#### Sec.

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- 12.2 Rules of construction.
- 12.3 Definitions.
- 12.4 Staff administrative responsibility and supervisory authority.
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**AUTHORITY:** Federal Power Act, as amended, 16 U.S.C. 792–828c (1982); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 142 (1978).

**SOURCE:** Order 122, 46 FR 9036, Jan. 28, 1981, unless otherwise noted.

### Subpart A—General Provisions

#### § 12.1 Applicability.

(a) Except as otherwise provided in this part or ordered by the Commission or its authorized representative, the provisions of this part apply to:

(1) Any project licensed under Part I of the Federal Power Act;

(2) Any unlicensed constructed project for which the Commission has determined that an application for license must be filed under Part I of the Act; and

(3) Any project exempted from licensing under Part I of the Federal Power Act, pursuant to subparts J or K of part 4 of this chapter, to the extent that the Commission has conditioned the exemption on compliance with any particular provisions of this part.

(b) The provisions of this part apply to a project that uses a Government dam only with respect to those project works, lands, and waters specifically licensed by the Commission.

#### § 12.2 Rules of construction.

(a) If any term, condition, article, or other provision in a project license is similar to any provision of this part, the licensee must comply with the relevant provision of this part, unless the Commission or the Director of the Office of Hydropower Licensing determines that compliance with the relevant provision of the license will better protect life, health, or property.

(b) A licensee may request from the Director of the Office of Hydropower Licensing a ruling on the applicability to its actions of any provision of its license that is similar to a provision of this part. A ruling by the Director may be appealed under § 385.207 of this chapter.

[Order 122, 46 FR 9036, Jan. 28, 1981, as amended by Order 225, 47 FR 19056, May 3, 1982; 49 FR 29370, July 20, 1984]

#### § 12.3 Definitions.

(a) *General rule.* For purposes of this part, terms defined in section 3 of the Federal Power Act, 16 U.S.C. 796, have the same meaning as they have under the Act.